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Washington, DC 20007

In re Application of
KAUL et al
Application No.: 10/508,995
PCT No.: PCT/IB2002/001205
Int. Filing Date: 25 March 2002
Priority Date: 25 March 2002
Attorney Docket No.: 056859-0201
For: ESSENTIAL OIL WITH CITRONELLOL
AND ROSE OXIDES . . .

DECISION

This is a decision on the papers filed 23 January 2009 which are treated as a renewed petition under 37 CFR 1.42. No fee is required.

BACKGROUND

On 26 September 2008, a decision dismissing applicant's petition under 37 CFR 1.42 was mailed. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 23 January 2009, applicants filed a request for reconsideration which was accompanied by, *inter alia*, a two-month extension and \$490.00 fee and a declaration executed by the legal representative of a deceased inventor.

DISCUSSION

In the subject response, applicants have provided a declaration signed by the legal representative of a deceased co-inventor, Hans Raj Negi. Applicants previously submitted a declaration executed by five of the six named inventors.

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

A review of the declaration shows that it is in compliance with 37 CFR 1.497(a) and (b). The declaration lists the citizenship of each inventor (including the deceased inventor) pursuant to 37 CFR 1.497(a)(3). The declaration also records the citizenship,

residence and mailing address of the legal representative pursuant to 37 CFR 1.497(b)(2).

CONCLUSION

The papers filed under 37 CFR 1.42 are **ACCEPTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 25 March 2002 under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 23 January 2009.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.



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